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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,534	01/15/2002	Brian A. Urbach	TRW(M)5857	4987

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EXAMINER

GARCIA, ERNESTO

ART UNIT PAPER NUMBER

3679

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/047,534	URBACH, BRIAN A.	
	Examiner	Art Unit	
	Ernesto Garcia	3679	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

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Continuation of 11. does NOT place the application in condition for allowance because: In regards to the written description requirement, applicant has stated that the drawings are to scale. In response, it is of little coincidence to say in the remarks that the drawing are to scale; however, the disclosure does not support this claim and furthermore, the drawings do not show exact dimensions to indicate scale. Even the supportive drawing submitted is not to scale. It is half the scale (see scale box). To rely on dimensions presented on the supportive drawing which are not in the original disclosure does not alleviate the issue as the dimensions would be considered new matter not originally disclosed.

Applicant further argued that Stroh, Sommerer, and Greubel et al. do not teach or suggest a second suspension member having a through hole with first and second frustoconical surfaces. This argument is not persuasive as page 6 in paragraph 2 of the last Office action, the examiner provided evidence that a second suspension member has a hole with first and second frustoconical surfaces. Applicant further argued that none of the references teach or suggest a second suspension member having the first and the second frustoconical surfaces angled so that imaginary lines extend from diametrically opposite portions of the frustoconical surfaces intersect at a location within the through-hole and between the first and second side surfaces of the second suspension member. In response, the examiner already has pointed this out on the Office action on page 5 starting on the fourth paragraph. Applicant further indicates that the imaginary lines in Sommerer extend from diametrically opposite portions of the frustoconical surface and intersect at a location outside of the through-hole in the ring 10. In response, item 10 is not a ring. It is a stud. Furthermore, there is no through-hole in the stud 10. The examiner is assuming applicant meant to say the through-hole 8 in the second suspension member 2. In any event, the examiner is not persuaded as the imaginary lines intersect within the through-hole 8. Moreover, the examiner already has pointed this out on the Office action on page 5 starting on the fourth paragraph.

Applicant has argued that Sommerer fails to teach or suggest that the frustoconical surface is angled so that imaginary lines extending from diametrically opposite portions of the frustoconical surface intersect at a location within the through-hole and between the first and second side surfaces of the second suspension member. In reply, the examiner has noticed that the applicant has made an argument against the reference individually. However, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner also noted that applicant has attacked Greubel et al. alone by indicating that Greubel et al. does not teach first and second frustoconical surface. Again, the rejections are based on combination of references.

Applicant has argued that Stroh, Sommerer, and Greubel et al. do not teach or suggest a stud having a second end portion with a third frustoconical surface. In response, the argument is not persuasive as page 6 in paragraph 2 of the Office action, the examiner has pointed out that Sommerer teaches a third frustoconical surface and the reason for modifying Stroh. Applicant further argued that Sommerer fails to teach or suggest that the frustoconical surface is angled so that, when in engagement with the corresponding frustoconical surface of the ring, imaginary lines extend from diametrically opposite portions of the frustoconical surface intersect at a location within the through-hole and between the first and second side surfaces of the second suspension member. In response, the examiner already has pointed this out on the Office action on page 5 starting on the fourth paragraph. Applicant further indicates that imaginary lines of Sommerer extend from diametrically opposite portions of the frustoconical surface and intersect at a location outside of the through-hole in the ring 10. In response, item 10 is not a ring. It is a stud. Furthermore, there is no through-hole in the stud 10. The examiner is assuming applicant meant to say the through-hole 8 in the second suspension member 2. In any event, the examiner is not persuaded as the imaginary lines intersect within the through-hole 8 as provided in the attached drawing in the Office action.

Applicant further argued that there is no teaching or suggestion in the references to modify the embodiments of Fig. 3 of Stroh to include frustoconical surfaces. Applicant further remarked that one of ordinary skill in the art will recognize that spherical and frustoconical surfaces are not equivalent. This is not persuasive as spherical and frustoconical mating surfaces have been known through out history for mating and alignment purposes. Even, Greubel et al., which is used to support this conclusion, makes such suggestion to make the surfaces either spherical or frustoconical for mating parts. Since Stroh uses spherical surfaces to mate the components, one of ordinary skill in the art is bound to obviously modify the surface for the same purpose with another type of surface. In this case, using frustoconical surfaces to mate and align component is an alternative and an equivalent to spherical surfaces.